



ENDANGERED SPECIES TECHNICAL BULLETIN

Department of the Interior • U.S. Fish and Wildlife Service • Endangered Species Program, Washington, D.C. 20240

Grizzly Bear Among New Critical Habitat Proposals

Some important Critical Habitat rule-makings currently are in preparation:

- A proposed determination of Critical Habitat for the grizzly bear is expected to be published shortly in the *Federal Register*. Portions of national park, national forest, and wilderness lands in Wyoming, Montana, Idaho, and Washington will be included in the proposal. After publication, public hearings will be held at various locations in the affected States, with the specific dates and places to be announced in the *Federal Register* and in news releases.
- A final rulemaking for Critical Habitat for the Indiana bat, American crocodile, California condor, and Florida manatee are expected to be published soon in the *Federal Register*. The rulemaking was proposed in December 1975.

NEW PERMIT OFFICE TO IMPLEMENT TREATY; AIMS TO BECOME FEDERAL 'CLEARINGHOUSE'

United States implementation of the international treaty regulating commerce in the world's endangered animals and plants is moving ahead with the creation of a new Federal Wildlife Permit Office (WPO) within the Fish and Wildlife Service.

WPO has been designated this country's "management authority" to ensure U.S. compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora concerning the issuance of all import and export permits. The Chief of the Office of Endangered Species has been designated leader of the "scientific authority" to provide the biological expertise in reviewing permit applications and nominations for inclusions or deletions of species to the Convention appendices.

All 26 nations presently party to the treaty are establishing similar management and scientific author-

ities to work out uniform rules and regulations. Representatives of the various authorities will hold their first meeting in November at Berne, Switzerland to begin the worldwide cooperation necessary to stem illegal trade in endangered animals and plants.

Immediate implementation of the treaty will be a main consideration at the meeting. Under recently proposed rules (F.R. 6/16/76), the Service has proposed adoption of existing permit regulations covering endangered and threatened species as an interim step. Comments are due by Aug. 16, 1976.

The Service's proposal includes prohibitions that are specified in the Convention concerning the issuance of permits for endangered or threatened wildlife listed in Appendices One, Two and Three of the Convention. The lists in the appendices are similar to but not identical with the species covered by the 1973 Endangered Species Act. The goal of the Service's proposal is to put the treaty into force with a minimum of additional paperwork and delay. The development of a set of new rules would be completed later.

The new Permit Office headed by Richard M. Parsons, former special agent-in-charge of regulations and rulings in the Service's Division of Law Enforcement, also will assume responsibility for issuance of several types of domestic permits. These permits include the importation of wild-

(continued on page 3)

CRITICAL HABITAT: WHAT IT IS—AND IS NOT

Keith M. Schreiner

Endangered Species Program Manager

In recent months, my staff and I have been barraged with innumerable queries and comments concerning critical habitat. It is clear that Federal and State administrators, Congressmen, biologists, reporters, and private citizens are wondering about the meaning of critical habitat and its potential effects on their own activities and interests.

The most important point I can make about critical habitat is that in no way does it place an iron curtain around a particular area; that is, it does not create a wilderness area, inviolable sanctuary, or sealed-off refuge. Furthermore, I would stress that it does not give the Fish and Wildlife Service or any other government agency an easement on private property nor will it affect the ultimate

jurisdiction regarding any public lands.

Critical habitat is provided for by section 7 of the Endangered Species Act of 1973, which charges Federal agencies—and only Federal agencies—with the responsibility for ensuring actions authorized, funded, or carried out by them do not either 1) jeopardize the continued existence of Endangered or Threatened Species or 2) result in destruction or adverse modification of the habitats of these species. (State and private actions that do not involve Federal money or approval do not come under the terms of the Act.)

Simply stated, critical habitat is the area of land, water, and airspace required for the normal needs and survival of a species. As published in the *Federal Register* on April 22,

(continued on page 4)

We Need Your Help

To make this **your** BULLETIN, as well as ours, we need your help. Please send the Editor any comments for improving the format, ideas for articles, photographs, and reports on your latest research and management activities.

THE ROAD BACK: ENDANGERED SPECIES RECOVERY PROGRAM MOVES AHEAD

The principal long-range goal of the Endangered Species Program is to bring about the eventual delisting of as many Endangered and Threatened species as possible. One of the most important means for achieving this goal is the development of effective recovery plans by teams of biologists expert in these species.

With the recent appointment of recovery teams for the Florida panther and Florida manatee, the Fish and Wildlife Service now has activated a total of 57 teams responsible for 68 species. The last two teams completed the 1975-76 phase of the program.

Selection of Species

The teams have been named for species selected by Endangered Species Program Manager Keith M. Schreiner on the basis of the following considerations:

- Present status of the species
- Need for coordinating activity by all agencies already involved in recovery work
- Availability of funds
- Need for land acquisition to protect the species' habitat

Species already being adequately protected in refuges, such as the Key deer in Florida, or limited to a small geographic area where only habitat protection is required, are not in-

cluded. States may develop their own recovery teams and plans for intra-state species, provided they meet certain conditions of the 1973 Endangered Species Act. (Texas has underway a plan for the Attwater's greater prairie chicken and Utah has elected to do the same for the Utah prairie dog.)

Formation of Recovery Teams

The recovery teams generally are composed of three to seven members, all on-the-ground professionals drawn from agencies and organizations with the greatest responsibility for and expertise in each species. Teams thus consist mainly of Federal and State agency employees. They also may include university researchers and representatives of private conservation groups. The members are all nominated by Fish and Wildlife Service regional directors in consultation with the States, other agencies and organizations, and Endangered Species Program officials. The regional directors are responsible for overseeing the operation of their teams and recovery plans subject to final approval by the Endangered Species Program manager.

The recovery team concept arose, in part, from the fact that prior to the 1973 Act, a number of agencies such as the Bureau of Land Management, Forest Service, Soil Conservation

Service, Department of Defense, State conservation agencies, private organizations, and foreign governments were conducting independent programs for various endangered and threatened species. Many of these programs were not adequately coordinated and were needlessly duplicative.

Accordingly, one main purpose of recovery teams is to be the means for combining varied efforts into a single effective program aimed at improving the status of the species in question. In developing plans, the ultimate goal is to bring about the removal of species from the endangered and threatened lists. There may be an immediate goal in some instances, such as the California condor, to prevent the imminent extinction of a species.

Biological Emphasis

Recovery plans are constructed around a "prime objective" relating to the biological status of each species. The accomplishment of this objective may be broken down into several subgoals covering the maintenance of habitat, food supply, natality, mortality, etc. The plan then gives a step-by-step outline for achieving these goals and, eventually, the prime objective.

All of the factors affecting the biological status of a species, and the problems to be overcome, are identified in the plans. They are updated as needed to incorporate new facts, techniques, and objectives. Individual tasks assigned to specific agencies by the team become a budgetary mechanism for planning the funding of a recovery effort.

Teams work under some constraints. They make recommendations rather than "direct" what should be done. They are not permitted to address socio-economic or political restraints which are not within their purview of expertise. They do not engage in the actual process of acquiring land for habitat nor do they discuss the economic impacts of their recommendations with business people or other persons in an affected locale.

All of the teams have been formed for the duration of carrying out their recovery plans. Once the prime objectives have been met, they will be disbanded. However, over the long term, the Service is considering forming regional teams which would oversee prime habitat areas or ecosystems to assure that former endangered or threatened species are able to maintain viable populations and are not subjected again to adverse environmental factors.

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RECOVERY PLANS— A PROGRESS REPORT

In recent months, the Endangered Species Program has approved recovery plans for the California condor, blue pike, and the Indiana bat. Recovery plans for more than 30 additional species are in the final stages of completion.

The recovery plan summaries given below indicate the diversity of work needed to protect endangered species. This is by no means an exhaustive list; reports on the progress of other teams will be made in future issues of the TECHNICAL BULLETIN. It should be noted that this information is preliminary and does not necessarily reflect the official position of the Service or other agencies.

FLORIDA EVERGLADE KITE: The team leader, Lovett Williams of the Florida Game and Freshwater Fish Commission, reports that the recovery plan will be completed in August. A major goal is to reverse the deterioration of the kite's marshland habitat. Currently, the team does not contemplate recommending any land acquisition, because damage to the environment can be corrected. The plan addresses the need to accelerate the establishment of more apple snail populations, which are the birds' main source of food. The kites have been shown to be able to adapt to small snail units in open marsh. Research also indicates the major importance of Lake Okeechobee as a gathering and nesting area for the birds, particularly in periods of drought.

DELMARVA FOX SQUIRREL: A final plan has been submitted to the regional office, according to team leader Bernard F. Halla of the Maryland Department of Natural Resources. The plan's recommended prime objective is to restore the squirrel throughout its historic range from southern New Jersey and southeastern Pennsylvania down through the Delmarva peninsula. The animal's decline has been caused primarily by timber cutting and economic development. The squirrel now occurs only in four counties of Maryland and on three national wildlife refuges in the State. Tasks recommended include live-trapping and relocation to other states as well as providing completely protected areas in national refuges and state parks and controlling access to private property. Halla believes that, if the plan is implemented, the fox squirrel could be one of the first native species to be delisted entirely in that it reproduces and adapts well on its own.

DUSKY SEASIDE SPARROW: A draft plan was completed and submitted in June, according to team leader James L. Baker of the Merritt Island National Wildlife Refuge. An immediate objective in the plan is the acquisition of 3,000 acres 10 miles southwest of the Merritt Island National Wildlife Refuge near Cape Kennedy, Fla. This area would serve as an alternative habitat for the birds in order for them to be able to escape periodic wildfires. Habitat manipulation to suppress brush also is recommended. In addition, there is a slight chance that it may be possible to extend the sparrow's range across the St. Johns River.

MISSISSIPPI SANDHILL CRANE: A draft of the recovery plan submitted in June recommends the establishment of an 11,000-acre refuge as a key objective, according to team leader Jacob Valentine of the Fish and Wildlife Service. Copies of some comments have been received. In addition, the St. Regis Paper Company has indicated its willingness to trade or sell 6,300 acres inhabited by the cranes for use as a refuge. However, a conflict with construction of a proposed interstate highway exchange nearby remains in litigation. The Fish and Wildlife Service has acquired a 2,300-acre parcel of land for a refuge adjacent to the highway right-of-way at a cost of \$2.5 million, with assistance from The Nature Conservancy. The recovery plan recommended that the Service acquire all of the land around the interchange, but no action can be taken until differences about the interchange are worked out between the Departments of the Interior and Transportation. Other recommendations include maintenance of the captive breeding program, which has been underway at Patuxent Wildlife Research Center, Md., for 10 years, as well as reintroduction of the cranes into suitable habitat in other parts of their former range.

EASTERN TIMBER WOLF: Team leader Ralph Bailey of the Michigan Department of Natural Resources reports that the final plan is now being printed following circulation of a draft that generated many comments. The plan is divided into two parts, with the wolves in Minnesota being treated separately. Reclassification of the estimated 1,000 Minnesota wolves to Threatened status is recommended. The second part of the plan dealing with the wolf's range recommends a survey of possible transplant areas. Bailey stresses that these would be just surveys, and no firm plans for transplants are recommended. Some potential transplant areas may not be ecologically sound any longer and public opinion also may oppose such actions.

Permit Office

(continued from page 1)

life at non-designated ports of entry; symbol marking of packages; feather import quotas; importation or shipment of injurious types of wildlife; importation or taking of endangered wildlife for zoological, educational, scientific, or propagation purposes; importation or taking of marine mammals for scientific research or exhibition; and the export and import of migratory birds. About 600 such permits were issued last year.

An important aspect of WPO's mission will be to simplify the paperwork for scientists, zookeepers, and others engaged in legitimate activities involving Federally-protected wildlife. A first step will be the coordination of the permit issuing process within the Fish and Wildlife Service. Later, Parsons hopes to es-

tablish a "clearinghouse" for applications and permits covering all affected Federal agencies. Currently, importers or exporters often must obtain clearance from a number of agencies, such as the Departments of Commerce and Agriculture; Health, Education, and Welfare; and Treasury for one shipment. Parsons eventually wants to reduce it to a single application and permit that would be government-wide.

The office's other functions include the preparation of documents for the listing and delisting of Endangered species, publication of comprehensive lists of Endangered and Threatened species, and the drafting of other ancillary regulations.

Parsons plans to have the office staffed and operational by Oct. 1.

Reference Note

All Service Notices, proposed, and final rulemakings are published in the **Federal Register** in full detail. The parenthetical references, i.e. (FR 6/10/76) contained in the BULLETIN list the month, day, and year the rulemaking appeared in the **Register** for readers wishing more information.

Comments Invited

The Service seeks written comments from interested parties on all Notices and Proposed Rulemakings. They should be addressed to: Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20240.

Habitat (continued from page 1)

1975, the Service has defined these needs as space for growth, movements, and behavior; food and water; sites for breeding and rearing of offspring; cover or shelter; and other biological or physical requirements. Determination of a critical habitat may include consideration of certain biological, physical, or human elements of a species' environment, if—but only if—the element is required for the continued survival or reasonable recovery of the species.

We are taking special pains to make sure that every shred of biological data is obtained and analyzed before any critical habitat is determined. Federal and State agencies are being contacted in writing prior to publication of a proposal. Once the proposal has been published, written comments on its biological adequacy are actively sought from all interested parties. In some cases, if the situation warrants, public hearings are being held in the affected States to seek the views of local residents. It is only after all of this biological information has been collected and carefully analyzed that a final determination is made.

Once the final determination has been published, its only effect is to cause Federal agencies managing lands or administering programs within the area to examine their actions in light of section 7.

The actions of private individuals (farmers, ranchers, trappers, etc.), firms, and State agencies are not affected unless funding or approval from a Federal agency is involved.

If an action does require Federal funds or approval, then the particular Federal agency having jurisdiction

RULEMAKING ACTIONS JULY 1976

Bald Eagle

In an effort to improve management of the bald eagle (*Haliaeetus leucocephalus*), the Service has proposed listing the country's official national bird as Endangered in 43 States and as Threatened in 5 States—Minnesota, Wisconsin, Michigan, Oregon, and Washington (F.R. 7/12/76). Comments are due by September 10, 1976.

The proposal would do away with the present use of an arbitrary line—the 40th parallel—which divides the breeding areas of the Endangered southern bald eagle from the unlisted northern bald eagle. At the time the southern bald eagle was listed (F.R. 3/11/67), the northern bald eagles were not listed, primarily because the Alaskan population was doing well. But the arbitrary line caused confusion because the northern and southern populations wander into each other's ranges during non-breeding periods.

must decide whether or not the action would "jeopardize the continued existence of the species or result in destruction or modification" of its critical habitat.

There is no way to predict how Federal agencies will decide about particular actions in particular areas. The agencies simply consider them on a case-by-case basis as they arise. Nevertheless, I should emphasize that there are many types of existing land uses that are compatible with the continued survival of species and maintenance of the quality of their habitats.

Cape Sable Sparrow

A 36,500-acre section of south Florida has been proposed as a Critical Habitat for the Cape Sable sparrow (*Ammodramus maritimus mirabilis*), an Endangered songbird (F.R. 7/14/76). Comments are due by October 11, 1976.

Approximately 27,700 acres are situated within the Everglades National Park and about 8,800 acres lie east of the park, on privately-owned land that includes the Taylor Slough marshes where the most viable population of the birds is known to exist. The 1,900-to-2,800 sparrows in Taylor Slough occupy two types of prairies—*Muhlenbergia* and *Cladium*.

Leopard Darter

The leopard darter (*Percina pantherina*) has been proposed for the Threatened list and certain areas of Oklahoma and Arkansas have been proposed for listing as its Critical Habitat (F.R. 7/6/76).

Comments are due by Sept. 1, 1976.

In addition the Service is prepared to provide assistance and consultation on the biological impacts of proposed activities whenever such consultation is needed. However, the final decisions will be made by the appropriate Federal agencies.

In short, the determination of critical habitat is a means of helping all Federal agencies meet their responsibilities under the Endangered Species Act of 1973. It is a tool to help save and restore species, not a weapon to hinder economic or social progress.



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